

ESTTA Tracking number: **ESTTA434920**

Filing date: **10/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Federation of the Swiss Watch Industry
Granted to Date of previous extension	10/12/2011
Address	Rue d'Argent 6 Bienne, CH-2501 SWITZERLAND
Attorney information	Abigail A. Rubinstein, Esq. Steptoe & Johnson LLP 1330 Connecticut Avenue, N.W. Washington, DC 20036 UNITED STATES ipdocketing@steptoe.com, arubinstein@steptoe.com, tday@steptoe.com

Applicant Information

Application No	85230144	Publication date	06/14/2011
Opposition Filing Date	10/11/2011	Opposition Period Ends	10/12/2011
Applicant	AQS BRAND, INC. 18653 VENTURA BLVD. #392 TARZANA, CA 91356 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Jewellery and watches of Swiss origin
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3047277	Application Date	08/16/2002
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	SWISS		

Design Mark	SWISS
Description of Mark	NONE
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF

U.S. Registration No.	3038819	Application Date	08/16/2002
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	SWISS MADE		
Design Mark	SWISS MADE		
Description of Mark	NONE		
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF		

Attachments	76442496#TMSN.gif (1 page)(bytes) 76442497#TMSN.gif (1 page)(bytes) SWISSICON-Notice of Opposition.pdf (5 pages)(137757 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Abigail A. Rubinstein/
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Name	Abigail A. Rubinstein, Esq.
Date	10/11/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

FEDERATION OF THE SWISS WATCH INDUSTRY)	
)	
Opposer,)	
)	
v.)	
)	
AQS BRAND, INC.)	Application Ser. No. 85/230,144
)	Opposition No. _____
Applicant.)	Mark: SWISSICON
)	

NOTICE OF OPPOSITION

In the matter of the trademark application of AQS Brand, Inc. ("Applicant") for registration of SWISSICON in Class 14 for "jewellery and watches of Swiss origin" ("Applicant's Goods"), Application Serial No. 85/230,144 filed January 31, 2011 and published in the Official Gazette on June 14, 2011.

Federation of the Swiss Watch Industry ("Opposer"), an unincorporated association formed under the laws of Switzerland, Rue d' Argent 6, CH-2501, Biennes, Switzerland, believes it will be damaged by registration of SWISSICON in Class 14 as sought under Application Serial No. 85/230,144 (the "Application") and hereby opposes the same.

The grounds for opposition are:

1. For many years, Opposer has been the Swiss watch industry's leading trade association. Opposer is a non-profit association with over 500 members representing more than 90% of all Swiss watch manufacturers. Opposer counts such renown watch manufacturers as Cartier, Breitling, Baume & Mercier, Gucci, Longines, Movado, Omega, Piaget and Rolex among its members.
2. Opposer's responsibilities to its members include representing and defending its members' interests through legal proceedings as well as protecting and supporting its members' overall

common interests and policy goals regarding the watch industry generally.

3. In order to be classified as a true "Swiss" or "Swiss made" watch by Opposer, a given watch must satisfy an exacting set of standards. As a result, those watches emanating from Switzerland enjoy an unsurpassed reputation for combining quality, craftsmanship, and aesthetic beauty. Therefore, the intrinsic value of a watch's Swiss origin is immeasurable.

4. For over 70 years, Opposer's Certification Marks SWISS and SWISS MADE have been used to denote those timepieces which it determines meet the high standards it demands of a timepiece wishing to claim entitlement to assertions of Swiss lineage. Only a watch which is truly of Swiss Origin will be certified as SWISS or SWISS MADE by Opposer. A watch is truly SWISS or SWISS MADE if its movement is Swiss, its movement is cased up in Switzerland and the manufacturer carries out the final inspection in Switzerland.

5. Opposer is the owner of Registration Nos. 3,047,277 and 3,038,819 for the Certification Marks SWISS and SWISS MADE, respectively, for use in connection with "horological and chronometric instruments, namely, watches, clocks and their component parts and fittings thereof."

6. Upon information and belief, Applicant is a corporation organized and existing under the laws of California. Upon information and belief, Applicant intends to manufacture and sell watches in Class 14 in connection with the applied for mark which do not originate in Switzerland and do not meet the high standards set forth in the Swiss Ordinance governing the use of the appellation 'Switzerland' or 'Swiss' used by Opposer to certify such goods as being of Swiss origin.

7. Upon information and belief, Applicant intends to use SWISSICON in connection with the sale of goods identical to those sold by Opposer's members, to the identical customers, through the same channels of trade.

8. When used in connection with the goods of the Applicant, SWISSICON will be immediately understood by the relevant public as a geographic indicator signifying a watch that

originates from Switzerland. Believing they are purchasing a true Swiss watch, when in fact they are not, consumers are likely to be influenced in their purchasing decisions by Applicant's use of SWISSICON.

9. Upon information and belief, when used in connection with Applicant's Goods, SWISSICON is a deceptive mark and therefore may not be registered pursuant to Section 2(a) of the Trademark Act, § 15 U.S.C. 1052(a).

10. Upon information and belief, when used in connection with Applicant's Goods, SWISSICON is primarily a geographically deceptively misdescriptive mark and therefore may not be registered pursuant to Section 2(e)(3) of the Trademark Act, § 15 U.S.C. 1052(e)(3).

11. Upon information and belief, a grant of registration to the Applicant would bestow upon Applicant the right to use a mark which confuses consumers into mistakenly believing that Applicant's Goods are of the same country of origin, and therefore of a comparable level of quality, as those of Opposer's members, thereby creating damage to Opposer and its members.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the Application be refused registration.

Pursuant to 37 C.F.R. § 2.101 Opposer has served a copy of the Notice of Opposition on the Attorney of record for Applicant identified on the USPTO's TARR database. A copy of the certificate of service is attached.

The \$300.00 filing fee for this Opposition may be charged to Deposit Account No. 19-4293. Any additional fees in connection with this opposition may also be charged to this account and any overpayment may be credited to this account.

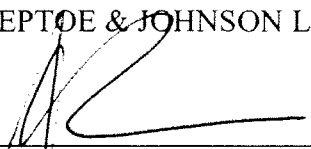
All correspondence should be addressed to Abigail Rubinstein, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795.

Respectfully submitted,

STEPTOE & JOHNSON LLP

Dated: October 11, 2011

By:



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CERTIFICATE OF SERVICE

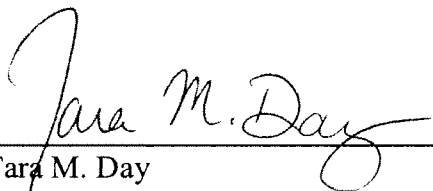
I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant this 11th day of October by first class mail, postage prepaid addressed as follows:

Sasoon Sardarian

Law offices of Sasoon Sardarian

16000 Ventura Blvd STE 1101

Encino, CA 91436-2762



Tara M. Day
Senior Paralegal